

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:06CR291
)	
Plaintiff,)	
)	MEMORANDUM
vs.)	AND ORDER
)	
DALE KROUPA,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's appeal (Filing No. 14) from the Magistrate Judge's order (Filing No. 13) denying the Defendant's motion to continue trial (Filing No. 12).

Pursuant to 28 U.S.C. § 636(b)(1)(A) and NECrimR 57.2, the court has reviewed the order from which this appeal has been taken. In an appeal from a magistrate judge's order on a pretrial matter within 28 U.S.C. § 636(b)(1)(A), a district court may set aside any part of the magistrate judge's order shown to be clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); NECrimR 57.2(c).

The motion to continue is not supported by the required speedy trial affidavit. (Filing No. 7, ¶ 10.) The Magistrate Judge's order is not clearly erroneous or contrary to law.

IT IS ORDERED:

1. The Defendant's appeal (Filing No. 14) from the Magistrate Judge's Order (Filing No. 13) is denied; and

2. The Magistrate Judge's Order denying the motion to continue trial (Filing No. 13), is affirmed.

DATED this 8th day of November, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge